

REMARKS

On an initial note, Applicant wishes to thank the Examiner for indicating that Claims 1-12, 54-56, and 58 are allowed and that Claims 22-24, 26, 36, and 46-49 include allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In order to expedite issuance of a patent, without prejudice, Applicant has amended the claims accordingly: Applicant has amended Claim 13 to include the features of Claim 22 indicated as having allowable subject matter. Claim 22 has correspondingly been canceled and Claim 23 has been amended to depend upon Claim 13. Applicant has amended Claim 24 to include the features of base Claim 13 and intervening Claim 15. Applicant has amended Claim 26 to include the features of base Claim 13. Applicant has amended Claim 27 to include the features of Claim 36 indicated as having allowable subject matter and to include the features of intervening Claim 34. Claims 34 and 36 have correspondingly been canceled. Applicant has canceled Claims 38-40. Applicant has amended Claim 41 to include the features of Claim 46 indicated as having allowable subject matter and to include the features of intervening Claim 42. Claims 42 and 46 have correspondingly been canceled and Claims 45, 46, 47, 48, and 49 have been amended to depend upon Claim 41. Applicant has also canceled Claims 50-53 and 57.

The Applicant submits that these minor amendments and corrections herein are made without prejudice as to patentability, including the doctrine of equivalents, and that no new matter has been added. Applicant submits herewith a fee of \$60 along with a request for a one month extension. The Commissioner is authorized to charge any additional fees or credit any overpayments to Deposit Account No. 50-0259, attorney docket no. 014962.000002.

Claims 13-21, 25, 27-35, 37-45, 50-53, and 57 are Novel and Nonobvious

The Examiner rejected Claims 13-17, 25, 27-31, 33, 34, 41-45, and 50-53 under 35 USC § 102(b) as being anticipated by Durkins et al. (UK Patent No. 2,135,179); Claims 13-17, 25-31, and 33-35 under 35 USC § 102(b) as being anticipated by Perez et al. (U.S. Patent No. 1,393,903); Claims 13, 14, 19, 27, 28, 30, 41, 43, 44, 50, 52, and 53 under 35 USC § 102(b) as being anticipated by Fuhs (U.S. Patent No. 4,399,827); Claims 38-40 under 35 USC § 102(b) as

being anticipated by Dovergne et al. (U.S. Patent App.No. 2003/0041869); Claims 18-20 and 32 under 35 USC § 103(a) as being unpatentable over Perez et al.; Claim 37 under 35 USC § 103(a) as being unpatentable over Perez et al. in view of Mehringer et al. (U.S. Patent No. 5,333,627); and Claim 57 under 35 USC § 103(a) as being unpatentable over Mehringer et al. in view of Zierhut (U.S. Patent No. 5,007,754). Although Applicant respectfully disagrees, in order to expedite issuance of a patent, Applicant has, without prejudice as to patentability or to refiling in a continuation application, canceled the rejected claims or amended them to incorporate subject matter the Examiner has indicated as allowable.

Specifically, Applicant has amended Claim 13 to include the features of Claim 22 indicated as having allowable subject matter. Claim 22 has correspondingly been canceled and Claim 23 has been amended to depend upon Claim 13. As such, independent Claim 13 and its corresponding remaining dependent Claims 14-21, 23, and 25 should be in allowable form.

Applicant has amended Claim 24, indicated as having allowable subject matter, to include the features of base Claim 13 and intervening Claim 15.

Applicant has amended Claim 26, indicated as having allowable subject matter, to include the features of base Claim 13.

Applicant has amended Claim 27 to include the features of Claim 36, indicated as having allowable subject matter, and to include the features of intervening Claim 34. Claims 34 and 36 have correspondingly been canceled. As such, dependent Claims 28-33, 35, and 37, dependent directly or indirectly upon Claim 27 should also be in allowable form.

Applicant has canceled Claims 38-40.

Applicant has amended Claim 41 to include the features of Claim 46, indicated as having allowable subject matter, and to include the features of intervening Claim 42. Claims 42 and 46 have correspondingly been canceled and Claims 45, 46, 47, 48, and 49 have been amended to be dependent upon Claim 41. As such, dependent Claims 43-45, and 47-49 should be in allowable form.

Applicant has also canceled the remaining rejected Claims 50-53 and 57.

In summary, Claims 1-21, 23-33, 35, 37, 41, 43-45, 47-49, 54-56, 58 should be in allowable form, containing subject matter indicated by the Examiner as allowable, with Claims 22, 34, 36, 38-40, 42, 46, 50-53, and 57 being canceled.

In Re Application of:
Michael Capristo

Application Number: 10/808,169

In commenting, it is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims. For the foregoing reasons, Applicant reserves the right, if necessary, to submit evidence showing the distinctions between Applicant's invention to be novel and nonobvious in view of the cited documents.

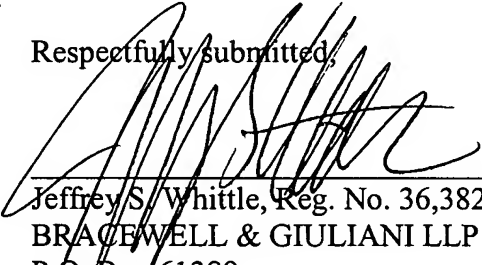
The foregoing remarks are intended to assist the Examiner in re-examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered to be exhaustive of the facets of the invention that render it patentable.

CONCLUSION

In view of the amendments and remarks set forth herein, Applicant respectfully submits that the application is in condition for allowance. Accordingly, the issuance of a Notice of Allowance in due course is respectfully requested.

Date: 1-26-07

Respectfully submitted,


Jeffrey S. Whittle, Reg. No. 36,382
BRACEWELL & GIULIANI LLP
P.O. Box 61389
Houston, Texas 77208-1389
Telephone: (713) 221-1185
Facsimile: (713) 221-2141